

Amendment No. 1 to HB2020

Sexton C
Signature of Sponsor

AMEND Senate Bill No. 2048

House Bill No. 2020*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 11, Part 13, is amended by adding the following as a new section:

68-11-1310.

(a) The following records received by the department or the attorney general and reporter from the recipients or applicants of a certificate of public advantage for a cooperative agreement issued pursuant to this part shall not be subject to disclosure pursuant to title 10, chapter 7, part 5:

- (1) Operating and capital budgets;
- (2) Existing and future business plans other than any plans, and any modifications to those plans, that are required to be submitted to the state pursuant to a certificate of public advantage or application for a certificate of public advantage;
- (3) Financial audit working papers as defined in § 4-3-304(7);
- (4) Contracts or agreements with payors and payor pricing information;
- (5) Physician recruitment plans and contracts or agreements with physicians;
- (6) Contracts or agreements with vendors;
- (7) Complaints, including hotline complaints and open investigations of such complaints; and

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(8) Employee personnel files, including performance evaluations, disciplinary actions, individual compensation amounts, and employment contract terms not otherwise publicly available.

(b) Records set forth in subsection (a) may contain trade secrets as defined in § 47-25-1702. The state shall notify in writing the recipient or applicant of a certificate of public advantage for a cooperative agreement at least seven (7) business days before any intended disclosure of such records. The recipient, applicant, or third party may petition the department pursuant to § 4-5-223 for a declaratory order to determine if disclosure would cause the loss of a trade secret. Any contested case convened in response to the petition shall be conducted as set forth in title 4, chapter 5, part 3; however, the provisions of § 4-5-325 shall not be applicable. Records subject to the petition shall not be disclosed until the review process in title 4, chapter 5, part 3 is completed.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.